

# **California-Nevada Tahoe Basin Fire Commission.**

Summary minutes of the December 14, 2007 meeting

Lake Tahoe Community College, South Lake Tahoe, California

## **1. Call to Order – Roll Call**

Present:

Co-Chairs Kate Dargan and Sig Rogich, Commissioners Pete Anderson, Michael Brown, Bud Hicks, John Koster, Ron McIntyre, Jeff Michael, Jim Peña, John Pickett, Cindy Tuck, John Upton, Patrick Wright, James Wright. Ex-Officio Members Allen Biaggi, Leo Drozdoff, Amy Horne.

Absent:

Commissioners Bob Davidson, Ruben Grijalva, Cindy Tuck, and James Wright. Ex-Officios Members, Julie Motamedi

It was noted that quorum was present.

## **2. Discussion and Adoption of Minutes of the September 21, 2007 Commission Meeting**

The minutes were approved with agreed upon changes in spellings of names and the correction of the designation of committees.

## **3. California Forestry Challenge**

Presentation by Napa New Technology High School students Taylor Knott, Erin Komplin, Isabella Music, and Lauren Waldenburg.

A representative of the Forest Foundation introduced the student group that won the recent California Forestry Challenge for their analysis and recommendations on wildfire concerns and the Angora Fire. The California Forest Challenge is a contest for high school students and this is the fifth year of the competition. The group is based in Pollack Pines and use the environmental education center there. The competition involved 13 student groups and more than 100 students. There are two parts to the competition. The first part is a field test and the second is a presentation.

Every year for the competition the students are presented with a current issue and are asked to study the issue. Commission members John Upton and Jeff Michael helped the process by explaining the issues to students. The students visited several sites affected by the fire. The group presented today received the highest score in the presentation portion

of the contest. Also attending is the team that won the contest for both the field test and the presentation.

Christy Hoffman teacher at Napa New Technology High School introduced the students and their presentation. The students began by quoting basin fire fighters who agree on the importance of protecting lives and property around Lake Tahoe. They said that we have the power to prevent disaster and they offered a plan for the future. The key points of the presentation:

- The Angora fire began on Sunday, June 24, 2007 and was contained on July 2, 2007.
- Fire was caused by a campfire and carried on high winds
- Acres burned, federal – 2735, state – 163, private – 144.
- Discussed the creation of the Tahoe Basin Fire Commission
- Discussed the process required to complete an environmental project
- Discussed a need for a precise definition of SEZ and suggested that crews should be allowed to work anywhere within the SEZ that is required to complete the job.
- Research found that the fire spread was also caused by piles of debris.

#### Goals

- Promote a “Five Minute” program that will serve to educate the public and especially kids. Goal is to challenge students to think about what they would do if they had only five minutes to leave their house in the event of a wildfire.
- Enforce defensible space regulations, especially around the 60% of secondary homes in the basin.
- Consider new thinning regulations
- Continue public education projects

Commission Co-chairs Kate Dargan and Sig Rogich thanked the students on behalf of the Tahoe Basin Fire Commission. Ms. Dargan said that Napa New Technology High School has been receiving a good deal of attention and awards for its approach to teaching and its approach to infusing technology in everything that the students learn and do. She said that an old adage says that if you are really trying to solve a problem you haven't examined all of the alternatives until you've asked a kid. Experts are helpful but a complex problem may be easier to understand when you look at it through the eyes of a child who doesn't have a lot of life experience clouding the issue. She expressed interest in the “Five Minute” program and said that as California State Fire Marshal she may want to follow up with the students on this concept. She said that during the recent Southern California fires over one million people were evacuated and all would have benefited from a program such as this.

Mr. Rogich also expressed his thanks and said that the Commission could take the students' report and call it a day. He and Ms. Dargan present the students and their teacher certificates and letters of thanks.

Ms. Dargan asked if any members had any questions. Ms. Dargan asked the students how they decided on their approach to the report. The answer was that before they began the field trips the students were given an outline of the area and the situation. They had a chance to formulate their questions and to get the right kind of information needed for the presentation.

Ms. Dargan asked how the Forest Foundation would use the presentation. Where would it go after the contest? The answer was that there were 20 High School teams involved in the contest and they have been encouraged to take what they have learned back to their schools and share their insights.

Mr. Rogich asked that copies of the presentation be distributed to members of the commission and suggested that copies with cover letters be forwarded to the governors' as well. It will also be included in the commission's record.

#### **4. Staff Report**

Dana Cole asked commission members to refer to a document in their packet, a work plan matrix. The work plan was originally presented to the members at the October 12, 2007 meeting. During that meeting there was only a brief discussion. Today, we would like to continue the discussion. He noted that the work plan the commission is reviewing today reflects the fact that we were not able to hold a meeting in November.

The purpose of the work plan is to identify the tasks that need to be accomplished by the commission to meet the one specific mandate of the governors' Memorandum of Understanding which is to present findings and recommendations to the governor by March 21, 2008.

These paths on the work plan reflect the major issues we have been addressing during the past several months. Mr. Cole discussed the responsibility section of the work plan and said that the parties responsible are the commission, the committees, and the working groups. As outlined in the MOU, the commission can appoint working groups as the members see fit to advise or direct on technical matters. This allows for testimony from experts who have been working on these issues in the basin for years. This afternoon the commission will hear from these groups.

Mr. Cole discussed the scheduling of the tasks in the work plan and said that it may be worth noting that the deadline of March 21, 2008 is exactly 100 days from today. He said that staff proposes that a first draft of the commission findings and recommendations be produced in about two months. This will allow time to assemble, review, clarify the language, and perhaps make some changes or additions.

The goal is that the commission will adopt final findings and recommendations no later than early March. This will give staff adequate time to set up the format and to organize

the publications and to work on distribution of the report. He continued by saying that this is a very ambitious task but he expressed confidence that it will be completed. He said that this work plan assumes that the committees will have their work done by the end of January. It will probably be necessary to hold two meetings per month.

Ms. Dargan asked if the committees are far enough along that they can start framing draft findings and recommendations that can be plugged into tracking numbers. Mr. Cole answered by saying that the only finding that has been submitted is included in the commissions' packets. It has not yet been assigned a tracking number because it was just submitted. The commission will hear more on this subject during the committees' report. Before continuing, Mr. Cole asked if there were anymore questions.

Mr. Rogich spoke regarding the deadline for the commission's report. He said that we may have latitude to ask for an extension based on the delay caused by the southern California fires. He said that he was concerned about some long term problems. He said that as the process is moving forward he is continuing to have conversations with the congressional delegation and is hoping that Ms. Dargan is doing the same. His hope is that the commission will meet the deadlines in the work plan.

Mr. Cole said that the commission would now move on to a discussion of findings and recommendations. Ms. Dargan agreed and said that the conversation would return to the work plan later in the meeting.

Mr. Cole outlined the process for submission of a finding and recommendation (F/R.)

- Anyone can submit an F/R including citizens, working groups, etc.
- Findings and recommendations will be submitted to Commission Staff.
- Staff will handle dating and tracking of all F/R.
- Staff will review and forward to the appropriate committee for initial analysis.
- Staff can determine whether the issue addressed in the F/R is being addressed in more than one committee.
- If the committee agrees they will forward the F/R to the full Commission with possible changes or additions.

Mr. Cole said that the proposal is that all findings and recommendations will go before the committees before being forwarded to the full commission. He said that it is unknown at this point if this process is realistic based on the time constraints and the inability to anticipate the number of F/Rs that will be submitted. The form is currently on the web-site and can be downloaded by any interested party.

Mr. Rogich emphasized the importance of not limiting any form of debate by submitting all F/Rs to the committees as a first step. He expressed concern that a committee might decide to reject a finding and because it is not forwarded to the commission it would not be seen by all members.

Mr. Cole said that the process would be up to the commission to determine. He said that there would be a number of ways to assure that all submitted findings and recommendations are made available the full commission. Staff will be generating a spreadsheet that includes information on all suggested findings and recommendations. This spreadsheet would record the vote of the committee on the proposed finding. Alternatively, we could forward all findings to the commission whether they have been approved or not.

Mr. Rogich reiterated his desire that all findings and recommendations be made available to the full commission. He is concerned that ideas and suggestions may die in committee the way they often do in Congress. He believes that the commission should have the opportunity to see all submitted findings and recommendations. Mr. Cole said that as part of the commission staff report the status of each finding and recommendation could be forwarded to the commission.

Ms. Dargan said that this information would also come from the committee chairmen where all F/Rs will be considered. By assigning tracking numbers to all findings we can make them part of the body of the work of the commission and include them, possibly, as an appendage to the report.

Commissioner Amy Horne proposed that the F/R form be changed to read “supporting evidence and background” rather than “background.” This way the commission will be aware of documentation and supporting facts for the finding. At present we have four committees working on related issues. It is possible that different findings may come out of the various committees on the same subject. What would be the process for resolving conflicts?

Mr. Cole said that he envisions the working groups as a source for F/Rs which would be submitted to the committees. Committees may already be addressing these issues. It would be up to the committee to reconcile all related issues in the committee structure and to forward them to the commission.

A Commissioner said that the time frame in the work plan suggests that the committees will need input from working groups as soon as possible. The Wildland Fuels Committee had partial reports from some groups, though the information is not complete at this point. The committee has not, as yet, received any formal F/Rs from the working groups. Mr. Rogich said that working groups will need to work within the deadlines but will certainly need to be heard.

Mr. Cole asked if working groups should be allowed to bring F/Rs directly to the commission. Mr. Rogich said no, they should go first to the committees. Mr. Cole agreed and said that this is the way the process is currently set up.

Ms. Dargan said that she envisions the commission's role as offering a ratification of the work that has been done by committees and a modification of those issues that have not been agreed upon. She expects that most of the findings and recommendations will be agreed upon without controversy and that 90% of the issues that the commission reviews should be completed before it comes out of the committees. Mr. Cole said that some clarification on the roles of the working groups will follow this afternoon.

Dr. Horne asked about the structure of the process for the working groups. She is concerned about the deadlines on the working groups. Mr. Cole said that these deadlines are not new. They were included in the commission's packets since October. Dr. Horne asked if it would be possible to find a way to move forward that honors the work of the working groups.

Ms. Dargan said that the intent is to facilitate the working groups and to incorporate their work, both those that were in place before the commission was formed and those that have been put together by the request of the commission. The process is designed to bring the working groups into a deliberative process in a way that allows them a forum. It seems that it comes down to scheduling and timing. The concern may be the problem with having several groups working on problems that are overlapping. We may spend valuable time on redundancies. We will need good coordination and communications. We have tasked Mike Vollmer to help in this regard. He will be the "switchboard operator" for the commission and the various work groups. Ms. Dargan's expectation is that he is fulfilling that function and looks forward to his input.

Mr. Cole said that the work plan outlines the proposed tasks for the working groups though it is a work in progress that can be changed as necessary.

The discussion continued concerning ideas that came forward during yesterday's Wildland Fuels Committee. John Upton said that more information will be forthcoming, but that the finding and recommendation form will work well and will probably satisfy the need for openness at the commission level. The committee had some excellent input on air quality yesterday.

Mr. Rogich said that the working groups need to work within the framework of the commission's deadline and not the other way around. They may need to make adjustments accordingly. He said that the committees' chairman should pass that message along.

Mr. Upton said that we might think in terms of offering a date by which working groups can contribute to the commission as an opportunity. Mr. Cole said that he hopes the working groups and the members of the public would use the F/R format in the interest of uniformity and clarity.

Commissioner Bud Hicks had a question and a comment. He said that the impacts and implementation fiscal impact section that are requested are difficult to complete

accurately. We don't want to discourage input from members of the public by requiring this section. At least for purposes of discussion, we might agree not to reject any F/R that does not include a fiscal impact estimate.

Ms. Dargan was concerned also and suggested working on a guidance statement from staff that will identify what a fiscal impact statement will consist of. In the final report we may use specific dollar amounts or categories, i.e., low cost primarily locally funded, high cost federally funded, etc. The key revenue source may be identified. The relative price tag might be calculated. There are a number of steps we can take before moving the findings and recommendations ahead.

Mr. Hicks said that the commission may change the heading to "financial analysis if available or if possible." Some of the working groups may be able to assist with filling in the blanks.

Mr. Rogich said that we may need, at the end of the process, to look to various groups for funding. It would be helpful to put together some real numbers. It will reflect well on the commission and will make the job easier for decision makers.

Mr. Cole asked for clarification on the suggested wording change to the fiscal impact section. Ms. Dargan said that the commission may require a best estimate out of the committee. The committees, not the submitters, are expected to decide how to best answer the question of fiscal impact. Mr. Cole said that the committees are expected to provide an overall fiscal report. If we get to mid February and are inundated with findings and recommendations we may have a problem.

Ms. Dargan said that the commission might send out a letter to all interested parties inform them of the deadline. She continued by saying that a deadline may be difficult to reject suggestions even if they are offered late as the goal of the commission is to be inclusive. Mr. Cole offered that we might make clear that we will accept suggestions but it is not possible to guarantee inclusion in the final report if they come in after the deadline.

Mr. Rogich said that, in keeping with our mandate, a deadline date will be determined.

## MOTION

Move to adopt the format and form of the Finding and Recommendations Form, as modified.

Unanimously approved.

The discussion on work plans continued with a conversation concerning catching up on the scheduled work. Ms. Dargan said that based on the fact that the commission has lost

30 to 45 days because of the Southern California fires, the members may consider two options.

- Commission scheduled to meet more often from now until May 21, 2008. Committees may decide to meet more often than the commission.
- Request an extension of the deadline.

Ms. Dargan said that she expects that the first report in draft form will be completed by the end of January 2008, so in order to stay on schedule the commission will need to choose one of the aforementioned options.

Commissioner Ron McIntyre said that during the previous day's committee meeting one suggestion was to consider meeting in Sacramento or in Las Vegas for additional meetings, though it was agreed that this plan might preclude participation from some members of the public. Mr. Rogich said that a better alternative might be meeting in Carson City.

The discussion continued regarding two options and there was generally agreement that it would be preferable to keep to the deadline and to add meetings to the schedule. Mr. Rogich said that he does not disagree but cautioned against leaving some work undone.

Ms. Dargan said that the commission will move forward with the increased scheduling option at this point.

A member of the public, Steve Kennedy, requested the opportunity to make a presentation to the commission. Ms. Dargan thanked Mr. Kennedy and said that she would refer him to the Wildland Fuels Committee.

Discussed followed to determine meeting dates though March:

January 14 -15, 2008

January 24-25, 2008

February 7-8, 2008

February 19, 2008

March 6-7, 2008

March 20-21, 2008

The format will be the same as previous meetings. The first day will be committee meetings and the second will be the full commission meeting. The week of May 12, 2008 has been designated National Wildfire Awareness Week. Ms. Dargan asked that commission members reserve Monday or Tuesday of that week for a roll out of the Tahoe Basin Fire Commission report. Several events may be planned by fire agencies in the area and it would be a good opportunity to highlight the work of the commission.



## **5. Wildland Fuels Committee Report**

The committee began with reports from working groups.

- One stop permitting group discussed the ways that the permitting process effect defensible space. They will need to return with more information at a future meeting.
- Fuels working group did not offer a formal presentation but did brief the committee on a fuels conference that is scheduled in February.
- Air quality working group found that the Air Quality Alliance has been working in the basin for many years. It is an alliance between regulators as well as practitioners. The focus of the group is to coordinate and streamline burning processes in the basin. The committee asked that a representative present a report and recommendations.
- SEZ presentation with more information to follow.
- Fuel uses and disposal options, bio-mass in particular. A panel was tasked with developing recommendations. Bio-mass issues are especially important because a good plan will improve air quality, reduce smoke and the need for fire days.

Commissioner Jim Pena said that the committee discussed putting together a finding and recommendation that will suggest using a 10Year Multi-Jurisdictional Plan as a process mechanism. Currently, within the basin, a multi-agency coordination group is working to achieve many of the goals that the Tahoe Basin Fire Commission is working toward. They have identified priorities, are working on grant submittals going into the next round of SNPLMA funding and have leveraged issues across jurisdictional boundaries. Mr. Pena said that the 10 Year Plan is a strategic document that might be useful. Some alternative findings and recommendations were discussed:

- To adopt the strategy as a mechanism to accomplish coordination within the basin.
- To establish a basin wide coordinating process under the jurisdiction or the lead of the TRPA.
- To continue as is without formal coordination and look at impacts of recommendations.
- To endorse the 10 Year Multi-Jurisdictional Plan and its annual updating process as the mechanism to achieve inter-agency coordination, increased economic and operational efficiency, and increase public awareness of fuel treatment priorities within the basin for the next 10 years.

The 17 agencies covered by the strategy develop one or more fuel treatment projects that integrate fuel treatments across jurisdictional boundaries with one decision document,

combined funding and one implementation contract to the extent feasible under their legal authorities.

This has been done for Round 8 supplemental requests to SNPLMA. This serves as a ready system to achieve the goal of coordinating fuel treatment efforts in the basin. The committee voted and agreed to send this recommendation on to the commission for review.

Mr. Rogich asked why we are considering a 10 year plan as opposed to a 5 year strategy. He asked if it related to air quality and does the 10 year plan take into account the growth in major California cities. He said that SNPLMA funding has been criticized in the national media and that members of congress have begun to pay attention. We may need to act while we are reasonable sure of funding and double our efforts.

Mr. Pena said that this time frame is probably realistic given the amount of work that still needs to be completed and that number of acres that require treatment. 68,000 acres within the basin has been identified as the need. This 10 year plan calls for treatment of 7000 acres per year which is a significant increase over what is being accomplished now. Mr. John Pickett said that currently there are plans for treatment of many acres but that efforts are constrained by a lack of available contractors and available funding. In SNPLMA the Forest Service is receiving 10 million dollars per year out of the restoration side of SNPLMA. Currently from the White Pine side of the funding there will be around 12 million dollars per year. The effort may require more funding.

Mr. Pena said that the 10 year plan may offer some very useful strategies for addressing some of these constraints and challenges. It is important that we not focus on just one method of getting the work done or of getting funding. He said that he is not sure that we could double the effort of fuels treatment and still meet the goals of environmental responsibility.

Mr. Pickett added that it has been said that SNPLMA should not be the source of funding for this important work. There has been an effort to attract and apply for other sources. The problem is that many groups are in the "funding shadow" of SNPLMA. That because when a group is eligible for SNPLMA funding it may be precluded from other sources.

Mr. Pena said that the committee has discussed the issue of priorities as outlined in the 10 Year Plan. Even for the work that wasn't funded this year there has been general agreement about the priorities in the work that is being done.

Ms. Dargan asked about some conversations that have been held outside the committee and commission meetings. She said that it is important to be clear during a report to the commission that those who may disagree with the priorities as outlined or other issues discussed during the committee meetings should speak out. If the conversations are being held outside the meetings, they are not useful to the commission or its work.

Mr. Pena agreed and said that the subject was discussed during yesterday's meeting. He said that the 10 Year Plan outlined the strategic plan for everywhere people plan to do fuel treatment and where it is needed. It scheduled out those strategic priorities annually. A coordinating group on an annual basis takes those strategic priorities and develops tactical priorities on an annual basis. What Mr. Pena heard yesterday from at least one fire chief is that the WUI needs to be treated first, everything else later until we get it done. The tactical priorities that are coming out of the strategic document are all WUI work. What he feels came out of that conversation in the committee is a desire for the committee and the commission to say that the first priority is WUI and the area around the communities and that until that is done we will not recommend doing anything else. Mr. Pena said that he told the committee that he was not comfortable making that recommendation and passing it along to the commission. He believes that the local communities have demonstrated their ability to work out the priorities. Everything they had worked out was within the WUI. He felt that it may amount to an imposition of regulations on local groups for work that they have already taken on. He recognized that there are other opinions and he said he would be happy to yield to any one else who would like to speak.

Ms. Dargan recapped by saying that the observation was that maybe not everyone agrees about the fuel treatment priorities. She said that as she understood Mr. Pena's opinion what's happened is that the 10 Year Plan sets forward strategic goals that are vetted and consensually agreed to. The next tactical year everyone has agreed that the WUI is the priority of the next year. The working group needs to continue that dialog as opposed to Mr. Pena's perspective that it should be set in stone. Mr. Pena agreed.

Dr. Horne said that the strategic plan is a 0/1 plan. It says that these acres are priority acres to treat and these acres are not. It does not set any priorities within the strategic plan. As Mr. Pena has said, the working group has set up the priorities next year. She thinks were the challenge is that the group may say these are the priorities but the funding may not accommodate these priorities.

Mr. Pickett said that that is exactly the situation that he has encountered. He said that when you put together a SNPLMA application it is a complex and competitive process. In 2008 (Round 8) the individual agencies put together a single package and included in those packages were high priority treatment areas and those that the Lake Tahoe area Fire Chiefs thought were low priority projects. Because it was one package it got an up or down vote. Areas in the back countries were prioritized over those areas near the communities. That created a very bitter competition between some of the agencies that were applying for SNPLMA. The Nevada Fire Safe Council and the fire chiefs felt that that was an inappropriate use of the funding to areas outside of the WUI. This multi-agency group can resolve these issues. Mr. Pickett said that in Round 8 this was a very contentious issue, but he feels sure that it can be resolved in Round 9. What we need is the funding in place to implement the priorities in the 10 year strategy. That funding is not in place, though it could be in place in SNPLMA. Other areas of SNPLMA,

apparently, are of higher priority than fuels treatment in the Tahoe Basin. That is one of the challenges. Realistically, this is a 200 million dollar project. We are not sufficiently funded and have not been able to identify an adequate source for funding.

Mr. Hicks said that a couple of ways to improve funding applications are to add to the funding application criteria a requirement for inter-agency cooperation. Also, require a statement of priorities from federal, state, and private property owners such as those represented by the Fire Safe Council.

Mr. Pena said that he hopes to bring to the next meeting some findings and recommendations that address funding. SNPLMA has been a help but the process also presents a challenge because, while they provide a good deal of money, it does not provide everything that is needed. He believes that the 10 Year Plan offers some alternatives for other sources. Based on what we know at this point this is good process.

John Koster asked about the total funding and the sources. How do we fill the gap in funding and identify priorities in funding.

Mr. Rogich said that SNPLMA is a unique program and that recent auctions have not been as successful as earlier ones. Other states are beginning to take notice, and we will need to be sure to ask for all of the funds that will be required.

Mr. Pena said that they were not addressing the funding piece so much and the cooperation and coordination process. He believes that his committee will be bringing forth findings and recommendations related to funding.

Ms. Dargan said that funding will be a topic for future conversations. She said that she has had a conversation with Mr. Pickett regarding putting together a flow chart that might outline funding sources and costs for fire mitigation and other activities.

A commissioner asked about the 17 agencies that actually do fuels reduction in the basin. Previously, they have not been as coordinated and the goal of the committee is to recommend and accommodate more coordination. He suggested that the commission apply a sense of urgency to the task, for example, the pile of fuel that had been sitting in place for more than 10 years. During the Angora Fire this pile ignited. What were the reasons that nothing was done to remove that pile or others like it? Is it regulation and bureaucracy? This is our opportunity to address the problem of slow response time. Could air quality restrictions be reexamined? This is our opportunity to ask some tough questions. It is our time to be creative and decide who can help with all of the tasks ahead of us.

Mr. Pena said that the recommendation addresses the issues of coordination, cooperation, efficiency, and expedience. The questions that you are asking have been raised in committee and they will be looking at them all in upcoming meetings.

Mr. Rogich asked why a ten year pile of debris has not been a priority. Pete Anderson said that we need to locate all of the piles. This could be done with a GIS study. We have been hampered by not having all of the necessary tools.

Ms. Dargan said that the science and technology group had begun to talk about creativity and working outside of the box. More discussions will follow in future meetings. An announcement regarding Sierra Pacific Industries is offering to take all bio-mass that can be moved. They have the capacity to process more than they currently have.

Ron McIntyre asked about the recommendation.

Mr. Pena said that the recommendation suggests that the commission adopt the 10 Year Multi-jurisdictional strategy as a way to facilitate fuels treatment for the next ten years. Annually there is a requirement to review those priorities and those fuel treatments so that each year when we start to develop a new program of work they repeat that process of reprioritizing so that it can take into account changed conditions and needs.

Mr. Rogich asked who would be around to meet every year to reprioritize. Mr. Pena said that it would be a consensus of the 17 agencies on an annual basis. The basin fire chiefs are confident that they will be able to meet regularly.

Mr. Rogich said that it is important that we keep in mind the broad purpose of the commission. The purpose is to fix the problems and to not do business as usual. We might be making recommendations now rather than waiting until the March 21<sup>st</sup> deadline.

Discussion regarding a new way of approaching the historic problems in the basin. What will the organizational structure that will be in place after the commission adjourns? There is some confusion about the wording of the recommendation and the best way to present it. Commission staff and commissioners will work to resolve the matter.

Discussion regarding the motion to accept the finding and recommendation from the Wildland Fuels Committee.

Mr. Jim Santini said that he would like to move the adoption of this recommendation subject to the review and clarification that are necessary for the purpose to fit a standard of recommendation and future rule making that is consistent throughout the process of this commission. In essence what we would be doing is accepting the concept that is represented in this recommendation, recognizing that it will require review and rewrite.

## MOTION

To accept the recommendation of the Wildland Fuels Commission regarding the 10 Year Multi-jurisdictional Plan with an agreement to continue discussion and review.

Unanimously approved.

**Item 5.b Committee Report – Gubernatorial Emergency Declaration (Non-action)**

Ms. Dargan noted that at the October meeting the Commission had appointed her and Mr. Rogich as a committee of two to examine issues relating to an Emergency Declaration by the Governors. This agendaized, public meeting had occurred on December 13, 2007 and had been properly noticed. Mr. Rogich had been delayed in flying back due to weather but the committee did meet and go through the business of discussing the Emergency Declaration. This item would therefore also serve to brief Mr. Rogich on yesterday's meeting.

About 15 people had joined the meeting (she continued), and counsel for both California and Nevada were present (one by telephone). Counsels from a couple of agencies and departments were also present, plus a variety of other attendees.

The meeting lasted approximately two hours and discussed a framework for the analysis of how to bring back to the Commission the questions of "Should we or shouldn't we, and if so how?"

Notes from the meeting had been distributed to the Commission members, and were available to the public. The notes, titled "Emergency Declaration Committee, Framework for Analysis and Key Considerations" were now reviewed by Ms. Dargan, noting key questions like "How do we approach the question in a logical way? In what order should the questions be approached: Why would we do it? What would be done? How would we do it? Who would be affected? When would it happen? And, how much would we need for costs?"

Working with counsel, the legal perspective was explored—we're stretching the historical use of emergency declaration powers and there should be justification for it. Alternative approaches were explored, on the theory of "not all eggs in one basket" and the thought that other tools might be faster or more efficient—maybe a combination of policy and/or legislative tools.

Ms. Dargan noted that in the final report of the committee with Mr. Rogich, they should address pros, cons, unintended consequences and overarching policy questions.

She moved to item 2 in the decision process. Why would we take such action? Is it justified and reasonable? She also listed legal questions, practical questions and what would be the benchmarks of success? The declaration could not continue forever so you must know when success under it has been achieved. Who would be affected fiscally? Who would pay and who would it go through? What regulations would be affected? The Governors would have to consider and list these.

Item 3 identifies the logic flow to work with—sharing responsibility across local, state and federal, fiscally and practically. The logic flow of process and argument for the declaration (and also for a possible Presidential declaration): You have an overarching hazard, the emergency hasn't fully taken place but we are trying to prepare for one. The overarching hazard is generally, fire. We know that this is a *catastrophic* fire, not a "normal" one, and so we must define "catastrophic." This would include traditional definition of structures destroyed, and in the Basin, environmental damage could be catastrophic.

The question of "do we know where?" we have a specific known hazard in a specific geographic area, portions of the Tahoe Basin. The next question is do we have a specific threat and is that threat imminent? Yes, we have severe fire danger days in the Basin, we have a historical record of fire occurrence in a repeatable pattern—it's preventable and predictable. The ability to respond and mitigate does not match the threat, partly because the Basin is more remote than some other areas.

So you take a known threat to a predictable consequence, this is also known—we have both recent and predictive experience in terms of what bad thing might happen. Do we have an available and reasonable response?

You have to apply some parameters: What is reasonable, what is available to you? Could we put every air tanker in California up in Minden? No, those aren't available to us. Do I know how to mitigate the threat and is it reasonable and prudent to act upon that? Yes, I have a pretty good idea how, and given unlimited resources I could do that. Here we had an analogy of an oil tanker about to run aground, do you apply all of your resources to avoid it running aground, or do you stand around waiting for the tanker to run aground and then clean it up? This is analogous to what we're doing here. It's reasonable to prevent the crash. The question is where does that logic end in terms of fire? Would it reduce the loss? If I have a known, reasonable prudent action that will reduce the hazard then you've now successfully resolved the threat. This is a good flow on how we would justify an emergency declaration. It stretches a bit how it's been applied in the past, but not so far as to be unfeasible.

The primary nexus for an environmental declaration is that Tahoe is significant and unique natural resource, internationally so, and the question is does it stand alone from all other areas? This is a decision the Commission will have to make, there is some historical precedent, but does the Tahoe Basin constitute a unique resource to the states, nation and world?

In addition, we don't want to lose track of the public safety element. We need to define the purpose or goal of the declaration—we talked about improving Tahoe's *resilience* to fire, not elimination and not reduction, because we recognize that fire can also have a positive role as well, but it is the resiliency to fire you're trying to create. Can fire occur without causing unnecessary or undue harm to the environment, property or people?

As a note, when we refer to "the environment" in this report we include people.

Concerns: Would doing an emergency declaration narrow the scope of the threat, that is concentrate on fuels reduction but lose the holistic solution? Would it reduce other groups' participation in long-term planning and mitigation; i.e. if we have an emergency declaration and it come with specific funding will it rob the impetus to build relationships in the Basin and cooperate on a larger scale? Would states and local governments back off their funding if federal dollars arrive? Would it create a false sense of security for homeowners?

Economic analysis: Would the emergency declaration bring new funds or would existing funds be used in a zero-sum way? Does an emergency declaration compete with the environmental improvement program? A "model or pilot project" might bring in the funds and the focus without an emergency declaration.

How do we support fire response with this as well, not just mitigation? That was a comment from an El Dorado County Sheriff's representative who has experience with emergency declarations improving the ability to acquire resources and prevention.

Values, unintended consequences, alternatives: One was the model or pilot project, and one is the idea that Mr. Rogich brought up earlier, revise or create a new Compact that addresses fire issues and influences the federal government, specifically for the compact, as opposed to an emergency declaration.

Actions prior to the next meeting: We will continue to revise the analytical framework and turn this into a document with a finding and recommendation approach. Counsels are reviewing previous declarations that were done nationally based on public safety and environmental issues, concentrating on both precedent and Presidential issues where the "imminent threat" was a perceived criteria, develop the concept of "significant and unique" and analysis of the logic flow of emergency.

Commissioners Hicks and McIntyre participated as members of the audience.

(This completed Ms. Dargan's report)

Mr. Rogich noted that all the significant issues had been well covered.



Mr. Biaggi asked what impact the (recent) fires in Southern California would have on the idea of an emergency declaration. He imagined that funds had been prioritized for remediation, rather than a proactive approach like we were discussing here.

Ms. Dargan said she had no official response yet, but she imagined there were both positive and negative aspects to the recent “siege.” It directly impacted the political environment so that the wildfire threat is much more in the national perspective. Sen. Feinstein introduced the Community Fire Safety Act. So there is a platform to bring these issues forward that is much greater. \$500 million is authorized for fuels hazard reduction in the Act. It does put more need on the table to be competed for, and it may impact the toleration for an emergency declaration in and of itself. Her personal opinion was advantage could be taken of the national attention and use the significant and unique value of Tahoe.

Mr. Pickett asked if an emergency declaration would put a kind of public “spotlight” on the issue and maintain momentum after the Commission disbands? Work gets done when there are deadlines. Mr. Rogich replied that it was a good question, but the fiscal support mechanism must be in place for the work to be accomplished and on that basis reasonable case could be made for an emergency declaration because of the extraordinary circumstances facing us in the next fire season. Ms. Dargan’s presentation has built a reasonably compelling case. He noted the differences in legislatures between California and Nevada. He said he sensed that the Nevada Governor does have the authority to declare. And anytime you put the word “emergency” before your activity you get a sense of urgency so he believed that there was a good case to do it this way. He believed the Governors would be inclined to support that.

Dr. Horne had a question about this as a committee report—she wanted the Commission to have complete information before taking action on this, and wondered about public comment on an emergency declaration recommendation. Ms. Dargan noted that public comment had been taken at the committee meeting, and that this is a non-action item on the agenda today so that public comment may not be appropriate at this time—but the broad answer is that public comment should generally be taken every step of the way. Counsel noted that as a non-action item if there was not a clear answer it would be at the discretion of the Commission, but to err on the side of “the greatest due process benefit” to provide for public input. Mr. Rogich agreed.

Mr. Upton had some points: Under “values,” to bring dollars in was one, and another would possibly be accelerated use of existing funds. He added that there were waivers already in place within agencies, in addition to what would result from a governor’s declaration. Under alternatives, he wanted to note that ability of agencies to do independent actions. He stated that he was inclined to think that the emergency declaration was what the Commission would ultimately want to recommend.

Mr. Hicks wanted to address something Mr. Biaggi had said—the recent Southern California fires may have affected the political or funding climate; he knew that the

residents there would be looking for all the funding they could get, but “We’re here representing Tahoe Basin” and it’s our charge to do something for the Tahoe Basin. He noted he would do everything he could to get resources into the Basin. He also asked about the question of follow-up; after end of the Commission and the 2008 fire season how do we know that this effort will continue? How does the public know? There needs to be some continuing oversight, via and through and over the TRPA as the one umbrella agency; the Commission needs to discuss how to ensure that what we do has legs.

Mr. Rogich noted that he had similar questions; when he talked about opening the Tahoe Compact he didn’t mean a freewheeling opening of everything but carefully crafted legislation for Congress that could 1) Redirect the Board to prioritize fighting fires, specifically written in the language; 2) Restructure the Board for more lay and fire representation; 3) Redirect the TRPA to answer to legislative bodies in each state, to justify their funding, priorities and actions, or perhaps to another body, such as this Commission, on an annualized basis. Mr. Rogich stated that he believed there was an appetite for this specific legislation, that the TRPA answer to somebody outside of just funding sources. It does add fire as a priority and changes the dynamic of this entity (TRPA). He said he believed this was a doable thing, and is what he meant by “opening up” the Compact. This would lend itself to some assurances to the Commission as an entity that we’re sticking to the course and the timeline.

Mr. Hicks said he would clearly support something like that—it came up in the context of this committee report because he believed the emergency declaration would be a trigger for such action—modifying the Compact is a pretty drastic suggestion. The circumstances are different than 40 years ago when the compact was thought of and negotiated. Changed circumstances justify opening the Compact.

Mr. Anderson noted that the Nevada declaration process opens doors, but emphasized that it is from the “bottom up.” He noted that FEMA has “hazard mitigation funds” that were pretty successful in helping after the Waterfall Fire in Carson City and added that these funds ought to be explored. Mr. Rogich agreed, and Ms. Dargan noted that these projects can sometimes be scoped more broadly than just fuels. She said the science report today could note some things not just driven by fire response, things not on the radar screen.

Ms. Dargan said that this was the end of the committee report, but wanted to talk about some overarching issues that don’t fit neatly into the Wildland Fuels Committee and the Community Fire Safety Committee, such as the Compact, federal legislation and long term funding issues. One thought was should the Emergency Declaration Committee stay as is or get additional members and expand its scope a little, to do some vetting and preparation work on these questions?

Mr. Hicks thought this an excellent suggestion, with these major issues—the public would have to be informed about the change—he was prepared to make a motion for this committee to broaden its membership and take on legislative and financial issues.

Committee staff noted that this was not on the agenda and counsel was advising that such a motion would not be in order. It should be agendized for the next meeting.

Mr. Rogich emphasized that the Commission shouldn't just say what should be done—the decision makers who will fund these projects will expect some streamlining of how to fight these problems going forward. So some things will perhaps be consolidated in the TRPA and perhaps even the firefighting component. There are a host of things needed to show that the Commission understands what needs to happen, some “off-the-charts” creative thinking so we don't just go back to business as usual.

Mr. Upton strongly stated that this was an excellent outline from the Emergency Declaration Committee, a logical flow. The question raised by Mr. Hicks of how to ensure follow-up would certainly seem to be in the scope of the Emergency Declaration Committee. The first point is the Governor's offices setting something up there in anticipation of the declaration. He outlined the many economic considerations including: SNPLA, Prop. 40, California/Nevada government funds, local assessments, visitor fees, grants, cost of recommendation, costs per acres, agency accounting—he wondered if there ought to be an economic subcommittee? He noted Prop. 40 is expiring soon, and there's a need for something to replace it. Perhaps the Commission could make a statement of support for that.

Mr. Rogich said it would be taken up formally at the next meeting, there would be full discussion and action would be taken.

Ms. Dargan asked if Commission members who desired to work on the committee would email their interest. The committee meeting will be agendized as a public meeting on the 14<sup>th</sup>, before we adopt the new structure on the 15<sup>th</sup>. Then we will ratify the revamped committee.

Mr. Upton asked if members of the other committees could be a member of this one since they would be in the committee meeting most of the day. The scheduling problem was left to be worked out later.

Mr. Rogich asked (under the advise of counsel) if there was any public comment and Mr. Pete King, Basin resident, stated his support for amending the Compact. He appreciated the work TRPA had done but amending would provide long-lasting benefits, and would probably have a lot of public support.

Rochelle Nason from The League to Save Lake Tahoe expressed support for Mr. Upton's suggestion that the Committee take up the economic issues. TRPA actually has little role in management of federal land or fire district activities in respect to private land. The key obstacles are economic—the view of the Forest Service that the work needed in the Basin is not economically feasible, and the economic challenges faced by homeowners—new roofs, siding, heat sources other than wood. She pointed out possible problems with the long legislative process to amend the Compact, stated that we need action now.

### **Item 6.a Science and Technology Working Group**

Patrick Wright presented for this group, noted he'd mainly been working with the Tahoe Science Consortium, an emerging entity in the Basin that is a liaison between agencies and scientists and the academic community. They seek to ensure that the academic community is involved in the research.

He moved to a suggested list of topics this working group should address:

1. Fuels treatment in sensitive areas, steep slopes, etc. Some of the best scientific minds should be working on this. Mr. Wright noted the first concern would be "What do we want sensitive areas (stream zones and steep slopes) to look like? Second, what are the best practices, not just in the Basin but in the West? Third, to what extent do TRPA, Lahontan, CalFire etc. need to change their practices for best practices treatments to take place? The upcoming workshop was mentioned; Mr. Wright noted that these agencies could not make policies just on Commission recommendations but only on solid science. He noted that the workshop must have a rapid turnaround to meet the timeframe of this Commission. He was hopeful of progress from the workshop, however.
2. Identify (get a handle on) literature on treatment practices, water quality etc. The Consortium has hired researchers to provide this information. We want the Commission recommendation to align with the latest science.
3. Economics of fuels management and treatment. There was talk earlier of spinning this off to the Emergency Declaration committee, that's fine, but right now crude economic measures like cost per acre do not reflect the type of land, reduced risks, scenic and other values, per dollar. This is a difficult measurement, but perhaps this Commission can be a pilot to look at the economics of fuel treatments.
4. Economics and Technology related to building materials, structures and codes, etc.

There is a linked set of tools that would help firefighters and land managers do their jobs better. One is much improved risk analysis and prioritization models. The fire districts are now coordinating better, they know what the priorities are in their own areas but don't have the tools to ask these questions about the Basin as a whole. What are the tools to prioritize treatment? There are tools out there that we will look at. We will also put in motion a set of recommendations on assessment tools—measuring how much treatments actually reduced risks.

Also needed is a better handle on ownership layers, with various agencies having their own overlapping GIS systems. In the area of newly emerging technology there are tools like remote sensing, that will help managers and firefighters do their jobs by providing detailed information on land, vegetation, dwellings, firefighting infrastructure etc. That would assist both the Firesafe Council and fire districts do their work, and help

firefighters on the ground. New satellite technology might help in evaluating defensible space work, and help focus resources on the most vulnerable. There is a lot here to consider—he liked the idea of Ms. Dargan to use Tahoe as a pilot project or case study to work with the new technology. He expressed the intent for the subcommittee to produce a report that would assist in Tahoe getting these technologies as soon as possible.

Mr. Santini noted that this report had reminded or made clear to him that what the Commission is doing here is “precedent setting” and unique. Would we be a hallmark exercise for what might be done in Central and Southern California?

Ms. Dargan said that in some regards, “Yes.” She noted that what was unique about Tahoe was the “ring around the bathtub” and that it was such a high public value. A very defined geographic area and set of politics. Because of this, you can use it to great advantage to show others what’s possible. For instance, she was thinking about the discussion of helicopters in the Basin, and noted that the technology to see what you need to in smoky areas is being tested right now—imagine if you weren’t blinded by smoke? Imagery from a helicopter could provide that, and all you need is a camera on a helicopter and a couple of computers in the engines. We can’t do that in every fire department in the state or country, but we could show here how it could be done.

Mr. Rogich added to Mr. Santini that they had communicated with other western governors (Utah, Idaho, New Mexico and Arizona) about this Commission and would possibly invite their representatives to the later Commission meetings. Nevada’s joint meeting with the governors, he believed, had already led to greater interstate cooperation in recent fires. If there is good new technology there is no reason it shouldn’t be shared.

Mr. Upton called the Basin a “test tube” for affordable ways to implement restoration forestry, packaged with a sensible biomass program and residential retrofit to fire-resistant materials, and added that there should be a database and associated maintenance cycle. He hoped the Commission would get enough of the obstacles out of the way. Logging has been demonized, but if done right as a part of restoration forestry it could be revenue neutral and also improve the conditions on the ground. But you have got to get rid of taboos in your thinking.

Mr. Rogich asked for public comment.

Kathy Murphy asked who was in the group. Ms. Dargan noted it was a working group and Mr. Wright said that it was still emerging. In the next couple of weeks they would formalize with a roster, to include representatives from all key agencies.

Garry Bowen wanted to point out in there was an existing tool called “ARCVIEW” that’s produced by ERSI of Redlands, California.

Randy Shawless said he was a firefighter. He was on the Angora fire against the structures when the firestorm came through. He noted how nice it would be to have the remote sensing information.

Mr. Rogich thanked Mr. Wright for his report and moved down the agenda to:

**Item 6.b Interagency Fuel Reduction Implementation Working Groups**

Ms. Dargan introduced Mike Vollmer and noted that he was not here this morning when there were some discussions of work groups, she didn't want him to take any unfair criticism about a lack of coordination of working groups—while Ms. Dargan and her staff were fighting fires in November the issue didn't get worked very much.

Mr. Vollmer is an employee of TRPA, vegetation program manager and will serve as a liaison between working groups and Commission staff. After today there will be more in writing.

Mr. Vollmer introduced himself and said he was Tahoe staff liaison to the working groups of the Commission. At the end of the October meeting he was appointed to oversee the working groups. He listed the following working groups that have been formed:

Defensible Space/BMP/Erosion Control Integration  
Science and Technology (who you've heard from)  
Permit Streamlining, now called Permit Improvement  
The MAC (Interagency Fuels Reduction Implementation Team)

He has been keeping tabs on the activities of these groups, trying not to be the adviser or coordinator of the groups (with some success). He now gave a rundown (based on handout that had been given to Commission members):

Defensible Space/BMP/Erosion Control Integration

This group met December 4 (after the California fires), about 36 people attended; there were a few pre-meetings to organize. They had some groundcover ideas going into the meeting. The idea was to supply information to decision makers, not make decisions. They got through a good amount of information, produced a spreadsheet including pros and cons of various ideas. Now they want to come back with findings and recommendations and be able to tell the Commission how they've "solved the problem."

There is another meeting scheduled Jan. 10. He wanted to reassure the Commission that the working groups are meeting, and also smaller groups.

Ms. Dargan said she had two overarching comments—that she had a task list, and that the contact point for this on the Commission staff was Duane,; and that she hoped Mr.

Vollmer would pay close attention to the Work Plan deadlines—the work groups are the feeder source for a lot of the committee discussions, and keeping these time frames I the work plan are important. Mr. Upton noted that if the next meeting was Jan. 10, it would probably be until the second January (Commission) meeting that the findings and recommendations would be available.

Ms. Dargan reemphasized the need to collectively think through the deadlines; she thought there might be a tendency for a work group to think it could hand in its recommendation on March 1. She understand there will be a large rush at the need but some works groups must report in January so that they are out of the way, they all can't be submitted last minute. Mr. Vollmer said he understood.

He now requested that Mr. Pickett give a presentation on the (Multiagency Coordinating Group, hereafter, "MAC") Interagency Fuels Reduction Implementation Team. Based on a handout provided to the Commission he gave the following overview:

The Interagency Fuels Reduction Implementation Team is being formed under a multiagency coordinating group, using the existing incident command structure. Mr. Pickett noted the excellence of the structure that the team has been set up under. The incident command structure entities, including all the chief executives of the incident command agencies serve on this team, and the executives are not to solve these problems themselves but are directing staff members to come up with solutions. Priorities will include identifying pieces of ground to be treated, how funding will be applied to fuels reduction in the Basin and prioritizing the integration of the work of these agencies. Mr. Pickett expected that this will be an ongoing effort with multiple meetings per year, beyond the life of the Commission. He noted that he would focus on plans, we have a huge data integration problem—he can't just print out a map showing how fire district plans integrate with Forest Service plans, etc. even though he knows they do. He also noted funding and accounting questions. How will we obtain cost and operational efficiencies? Coordination and integration of these activities will be more responsive to the property owners and communities, as well.

The next meeting of the Implementation Team is next Tuesday. Mr. Pickett went back and noted that they had received a commitment from TRPA and Lahontan to work through MAC planning, they will be an integral part of the team, so in addition to 14 fire agencies they bring the total of partners to 16.

Mr. Vollmer observed that though it is sometimes very difficult to find agreement and common ground when working with a large number of entities, when you do begin to find that agreement, it was very rewarding. He was honored to work with these people.

Mr. Upton said he had a concern about the seeming lack of a formal joint power structure—you have a ten-year implementation plan, all that done, but in implementation it must be solved outside that structure. There is a permanent structure here, results

oriented and accountable, but the he would like to know that the implementation structure was permanent, as well.

Ms. Dargan followed up by noting (to point somebody in this direction, it might be the Interagency Fuels Group) Sen. Feinstein's recent legislative proposal, the Community Fire Safety Act. In it the Senator placed 12 pilot projects, six for new developments and six for existing communities, so that you could demonstrate firesafe planning for new development and how you might also address existing communities. Tahoe is a prime example of an existing community, someone needs to pay close attention to following through there.

Laurie Kemper of Lahontan now presented a report on the Permit Improvement Group. She wanted the Commission to know that some of Mr. Pickett's efforts were made alongside Lahontan and TRPA's and that they are on the same page; when activities can be done under one document they are naturally implemented much faster and more efficiently on the ground.

CalFire and the Lahontan Board met in November to coordinate with state regulations, following that they met with TRPA, and they plan to meet with Conservancy and State Parks staff. Also Mr. Anderson offered to supply Nevada Forestry regulations. Yesterday, the committee (Wildland Fuels) adopted our first three findings and recommendations but recognized that we still had some work to do in additional areas. We prioritized to focus on property owners, structures and defensible space first.

The first finding noted TRPA's recent MOUs with all of the local fire agencies (but one). The TRPA Board has taken a number of steps to help facilitate defensible space activities. CalFire and Lahontan are not directly involved with the tree removal activities, though CalFire trains inspectors and tree markers. She noted that there will be amended findings and recommendations from CalFire for consistency with current regulations.

Finding two has to do with the fact that both CalFire and Lahontan are involved with permitting tree removal on new construction or large remodels—there may be good reason for this in other parts of California, but in Tahoe TRPA has the lead in this area and recommendation is that both CalFire and Lahontan get out of these projects. Lahontan will get a letter out to TRPA and CalFire clearly noting the TRPA role through an MOU and that people will not have to file paperwork with the other two agencies under the timber waiver. Another recommendation is that “conversions” under an acre in size not be exempt from the CalFire permit process.

Finding three attempts to streamline the current Lahontan timber waiver that exempts notification and fees for defensible space cutting within 150 feet of structures—Tahoe Conservancy and the Forest Service have many lots, often adjoining and more than 150 feet from a structure. They currently submit an application for a timber waiver in a “collective “ process where they bundle the work for next year and submit it under one



application. But Lahontan recognizes that this is another area where they could potentially eliminate the paperwork. This change will have to be approved by the Board.

Findings four, five and six need more work, but Ms. Kemper noted that certain projects, for example on utility lands, might require review and approval by all three agencies; they would like to bundle these under one authorization, and clarify the roles of the various agencies.

The last figure in the packet shows sediment produced on a given piece of land—the Northwest quadrant of the Basin has finer soils more susceptible to eroding, which is why projects on the California side might cost more, not just because CalFire and Lahontan are involved. She wanted to clarify that these sites receive more rainfall as well and sometimes need more erosion control work.

Findings five and six relate to State Park and Federal land, and Lahontan seeks further agreements with these agencies. She noted that they support Federal efforts to plan for larger projects, for example the South Shore Fuels Reduction Projects, they plan to meet with Forest Service Staff to discuss a joint SECWA/NEPA (???) document and reliance on the risk assessment that the Forest Service soil scientists and hydrologist are putting together, where they are going to categorize the different stream environment zones and soil types, to outline in advance which sites have the biggest concerns. In higher risk areas they will seek to reach agreement about types of monitoring needed or mitigation that might be required.

Mr. Upton asked about mapping stream environment zones on the ground—he realized that the Forest Service project was working on this but are there State Parks and private lands that need it done? And is there some way to incorporate that into these Forest Service discussions? She replied that normally TRPA does the delineations. Also, Mr. Pickett's MAC will be discussing and working on some of these issues. There is a need for funding to get scientists on the ground doing this mapping in the areas of the 10-year plan. Mr. Upton followed up by noting the timelines for developing findings 4-6, as Ms. Dargan had referenced previously.

Mr. Koster asked if he had detected some regulatory rollback in this presentation and Ms. Kemper answered "Yes." He thanked her.

Mr. Peña talked about how different agencies view the practical effects of the regulations. They affect the cost and timeliness of the work. Regulatory agencies may believe they are making significant regulatory changes but he wondered whether the proposals so far are going to really make the work on the ground go faster and at a lower cost. He urged that in these interagency conversations they solicit the perspective of the people on the ground. He was concerned that (the Commission) could be drawn into recommendations that might not be substantive process changes. He gave the example of the large amount of documentation and time required to show qualification for a waiver. How could we

reduce that time? In effect, it adds six months from the time you want to do the project. So he urged that results be the focus.

Dr. Horne noted that that is what the workshop in February is designed to do, to be solution oriented. Having Joe Sherlock of the Forest Service involved in the planning has been extremely helpful in this respect.

Mr. Michael said that he had one additional comment (going back to an earlier presentation) he just wanted to set the record straight on the mule deer piles. These piles were there for 5-7 years, not 10 or 15 as has been referenced today. Also, he clarified that the fire departments and Forest Service are burning, are active.

Mr. Koster noted they have never got any complaints from customers about burn days.

Mr. Peña stated that on the “7 years” the Forest Service has submitted for the record the evaluation of fuels treatments related to the Angora Fire, it specifically addressed the fuels treatment piles—one out of 14 units had not been treated and the piles had been there two years. These areas have been treated multiple times and the succession of piles in the same spot may make it appear that piles are there for extended periods, but based on their records the piles were two years old.

Mr. Rogich now moved down the agenda to:

## **7. Public Comment**

Garry Bowen said he wanted to make three comments; 1) the issue of the Lake Tahoe basin being special and unique is related to lake clarity. TRPA saw preserving a national treasure as especially related to lake clarity. He has prepared data from Denver Water related to fires in reservoir areas there. There are some similarities in the effect on clarity.

Ms. Dargan noted that the information should be given to the Science and Technology committee.

Mr. Bowen continued with reference to a handout given to the Commission and a 2004 article that referenced the issues before the Commission now. He referenced an MOU (Federal) between five agencies that he had submitted.

His third item was in regard to a fire-resistant material and design elements that will be fire resistant.

When there was no further public comment Mr. Hicks moved to adjourn, seconded by Mr. Santini and the meeting was adjourned.

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